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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/936,840
		Filing Date	January 7, 2002
		First Named Inventor	Damien ROSNEY
		Group Art Unit	3731
		Examiner Name	Vi X. Nguyen
Total Number of Pages in This Submission	2	Attorney Docket Number	741890-18

<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s): <i>(please identify below):</i>	
		Remarks <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 (741890-18) for the above identified docket number.	

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual name	Tim L. Brackett, Reg. No. 36,092 Nixon Peabody LLP 401 9th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	August 13, 2004

<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>			
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Attorney Docket No. 741890-18

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT application of )  
Damien ROSNEY et al. ) Confirmation No. 1494  
Application No. 09/936,840 ) Group Art Unit: 3731  
Filed: January 7, 2002 ) Examiner: Vi X. Nguyen  
For: A SURGICAL ACCESS DEVICE )

**RESPONSE TO ELECTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the election requirement set forth in the Office Action mailed July 14, 2004, Applicants hereby elect Group II, the species according to Figs. 1-4 for examination on the merits, subject to the right to file a divisional application to the nonelected embodiment. Claim 13 is readable on the elected specie.

Prompt examination of the present application is appreciated.

Respectfully submitted,

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